

Remarks

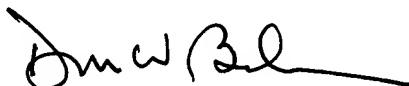
By way of the foregoing amendments, the rejection of claim 20 under 35 U.S.C. 112 has been rendered moot, and therefore the rejection should be withdrawn.

In addition, the rejection based on Hunter in view of previously cited/newly applied Melkent et al. also has been rendered moot. Claim 12, as amended, now recites a system for applying an element to a living body, comprising (a) a device for physically altering a part of the living body to prepare and/or produce a connection between said element and said living body; and (b) a position detection device (i) for detecting a position of said device for physically altering a part of the living body to prepare and/or produce a connection between said element and said living body, and (ii) for detecting a position of said living body, wherein plural markers are applied to said device for physically altering for three-dimensional tracking of said device for physically altering. Melkent et al. discloses a guide 130 that has an emitter array 190 attached thereto. Melkent et al., like Hunter, has not been found to disclose or suggest plural markers being applied to the device that physically alters a part of a living body to prepare and/or produce a connection between an element and the living body. Therefore, the rejection under 35 U.S.C. 103 should be withdrawn.

Early issuance of a notice of allowance is earnestly solicited.

Respectfully submitted,

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CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper or thing referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: February 18, 2004


Don W. Bulson

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